06-13-01

Docket No: AM100186-00

Patent

Assistant Commissioner for Patents
Box Patent Application
Washington, D.C. 20231

<u>Application for Transmittal under 37 CFR 1.53 (b)</u>

Transmitted herewith for filing is the patent application of the following Inventor(s):

Waldemar Pfrengle

For: **FUNGICIDAL TRIAZOLPYRIMID-7-LIDENEAMINES**

1. This new application is for a:
    ☐ Divisional
    ☐ Continuation
    ☐ Continuation-in-part (CIP)

2. Benefit of Prior U.S. Application(s) (35 USC 119)
    This new application being transmitted claims the benefit of prior U.S. application(s) Serial No. **60/211,168**, filed on **June 13, 2000.**

3. Papers enclosed which are required for filing date under 35 CFR 1.53(b):
    21 Pages of specification
        ☐ Sequence Listing (___ pages)
    3 Pages of claims
    1 Page(s) of abstract
        Sheets of drawing
        ☐ Formal
        ☐ Informal

4. Additional papers enclosed
    ☒ Information Disclosure Statement
    ☒ Form PTO-1449
    ☒ Citations
    ☐ Declaration of Biological Deposit
    ☐ Computer Readable Form of Sequence Listing
    ☐ Declaration Under 37 CFR 1.821(f)
    ☒ Other: Fee Transmittal

CERTIFICATION UNDER 37 CFR 1.10
I hereby certify that this paper and the documents referred to as enclosed therein are being deposited with the United States Postal Service on the date written below in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number **EF127996247US** addressed to the Assistant Commissioner for Patents, Box Patent Application, Washington, D.C. 20231.

June 12, 2001
Date

Delia Coughlin
Delia Coughlin

5. Declaration
    ☐ Copy from a prior application (37 CFR 1.63 (d)) is enclosed
    ☐ New declaration enclosed and executed by all inventor(s)
    ☒ New declaration not enclosed or not executed by all inventor(s)

6. Assignment
    An assignment of the invention to:
        BASF Aktiengesellschaft
    ☐ was made in the prior application and recorded in PTO on   , Reel   ,
        Frame   .
    ☐ is attached under separate Recordation Form Cover Sheet.
    ☒ will follow.

7. Incorporation By Reference
    The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Section 5 of this transmittal, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

8. Amendments
    ☐ Cancel in this application original claim
        of the prior application before calculating the filing fee. (At least one original independent claim is retained for filing purposes.)
    ☐ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following with the highest numbered original claim in the prior application.)

9. General Authorization:
    During the pendency of this application treat any reply requiring a petition for extension of time for its timely submission as containing a request therefor for the appropriate length of time. The Commissioner is hereby authorized to charge all required extension of time fees during the entire pendency of this application to Deposit Account No. 02-1197.

10. Filing Fee Calculation

<table>
<tr><td colspan="5" align="center">CLAIMS AS FILED</td></tr>
<tr>
<td>(1)
FOR</td>
<td>(2)
NUMBER FILED</td>
<td colspan="2">(3)
NUMBER EXTRA X RATE</td>
<td>(4)
BASIC FEE</td>
</tr>
<tr><td></td><td></td><td colspan="2"></td><td>$710.00</td></tr>
<tr><td>TOTAL CLAIMS</td><td>10-20</td><td>0</td><td>X $ 18.00</td><td>0.00</td></tr>
<tr><td>INDEPENDENT CLAIMS</td><td>1-3</td><td>0</td><td>X $ 80.00</td><td></td></tr>
<tr><td>MULTIPLE DEPENDENCY FEE</td><td>No</td><td></td><td>X $ 270.00</td><td></td></tr>
<tr><td></td><td></td><td colspan="2" align="right">Total Filing Fee:</td><td>$ 710.00</td></tr>
</table>

11. Fee payment being made at this time: **$710.00**
12. Method of Payment of Fees:
    Charge Deposit Account No. **02-1197** in the amount of **$710.00**
    A duplicate of this transmittal is attached.

13. Instructions as to Overpayment:
    Credit any overpayment to Deposit Account No. **02-1197**.

14. Authorization to Charge Additional Fees
    ☒   The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Deposit Account No. **02-1197:**
    ☒   37 CFR 1.16(a), (f), or (g) filing fees
    ☒   37 CFR 1.16(b), (c), and (d) presentation of extra claims
    ☒   37 CFR 1.16(e) surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application.
    ☒   37 CFR 1.17 application processing fees

15. Relate Back
    ☒   Amend the Specification by inserting before the first line the sentence:
    This application claims the benefit under 35 USC 119(e) of provisional application 60/211,168 filed June 13, 2000.

16. Further Inventorship Statement Where Benefit of Prior Application(s) Claimed

    (a)   ☒   This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventor(s) in this application is (are)

                   ☒   the same

                   ☐   less than those named in the prior application and it is requested that the following inventor(s) identified for the prior application be deleted in accordance with the signed statement attached deleting inventor(s) named in the prior application (see 37 CFR 1.63(d)(2) and 1.33(b)):

    (b)   ☐   This application discloses and claims additional disclosure by amendment and a new declaration is being filed. With respect to the prior application the inventor(s) in this application is (are)

                   ☐   the same

                   ☐   the following additional inventors have been added:

17. Maintenance of Copendency of Prior Application

    (a)   ☐   Extension of Time in Prior Application

            ☐   A petition, fee and response extends the term in the pending prior application until   .

            ☐   A copy of the petition filed in the prior application is attached.

    (b)   ☐   Conditional petition for Extension of Time in Prior Application.

            ☐   A conditional petition for extension of time is being filed in the pending prior application.

            ☐   A copy of the conditional petition filed in the prior application is attached.

Charles F. Costello   June 11, 2001
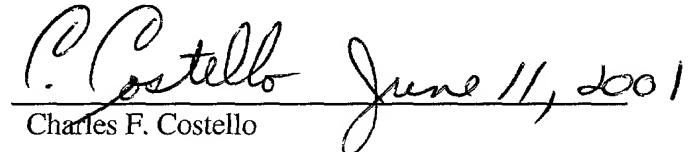
Charles F. Costello

Reg. No. **27,324**

Intellectual Property Department
BASF Corporation
3000 Continental Drive - North
Mount Olive, New Jersey 07828-1234
Tel. No. (609) 716-**3273**

FEE TRANSMITTAL
for FY 2001

Patent fees are subject to annual revision

	Complete if Known	
Application Number	To Be Assigned [Express Mail Label EF127996247US]	
Filing Date	**Herewith**	
First Named Inventor	**W. Pfrengle**	
Examiner Name	**To Be Assigned**	
Group Art Unit	**Unknown**	

TOTAL AMOUNT OF PAYMENT	($) 710.00	Attorney Docket No.	**AM100186-00**

METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number: **02-1197**

Deposit Account Name: **BASF Corporation**

☒ Charge Any Additional Fee Required Under 37 CFR 1 16 and 1 17

☐ Applicant claims small entity status. See 37 CFR 1 27

2. ☐ Payment Enclosed:
☐ Check ☐ Credit Card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Fee Code	Entity Fee ($)	Small Fee Code	Entity Fee ($)	Fee Description	Fee Paid
101	710	201	355	Utility filing fee	710
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	

SUBTOTAL (1) ($) 710.00

2. EXTRA CLAIM FEES

	Extra Claims		Fee from below		Fee Paid
Total Claims	10	-20**= 0	X	=	00
Independent Claims	1	-3**= 0	X	=	
Multiple Dependent				=	

Large Fee Code	Entity Fee ($)	Small Fee Code	Entity Fee ($)	Fee Description
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claims, if not paid
109	80	209	40	**Reissue independent claims over original patent
110	18	210	9	**Reissue claims in excess of 20 & over original patent

SUBTOTAL (2) ($) 0

**or number previously paid, if greater ; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Fee Code	Large Entity Fee ($)	Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
105	130	205	65	Surcharge – late filing fee or oath	
127	50	227	25	Surcharge-late provisional filing fee or cover sheet	
139	130	139	130	Non-English Specification	
147	2,520	147	2,520	For filing a request for *ex parte* reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner Action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner Action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive- unavoidable	
141	1,240	241	620	Petition to revive- unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.7(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify):

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) ($)

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Charles F. Costello, Jr.	Registration No. (Attorney/Agent)	27,324	Telephone	(609) 716-3273
Signature	*C. Costello*			Date	June 11, 2001